

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SIMON MENGELE, §
§
Plaintiff, §
§
V. § No. 3:15-cv-3934-B
§
AT&T SERVICES INC., §
§
Defendant. §

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE MAGISTRATE JUDGE**

United States Magistrate Judge David L. Horan made findings, conclusions, and a recommendation as to Defendant's motion for summary judgment, a motion to which Plaintiff failed to file a response (the "FCR"). See Dkt. No. 54. Nevertheless, Plaintiff has now filed an objection to the FCR, see Dkt. 56, and a motion requesting additional time to file a response to the summary judgment motion, see Dkt. No. 55.

Plaintiff's alleged basis for requesting an extension more than three months after the court-ordered deadline to file a response, see Dkt. No. 52, is that he "didn't receive some communication from Defendant and the court which prevented [him] from responding to [the summary judgment] motion [in a] timely manner," Dkt. No. 55 at 1 (further explaining that he needs "time to carefully collect[] some supporting documents and contact witness[es] to support [his] case").

These vague assertions do not, however, amount to good cause to show that the Court should – much less show that exceptional circumstances require that the Court must – revive the long-expired response deadline.

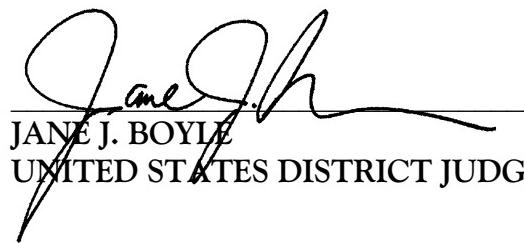
Plaintiff has failed to allege that he did not receive either the motion for summary judgment or Judge Horan's order setting a briefing schedule as to that motion. The Court's docket does not reflect that any mailing sent to Plaintiff by the Clerk of Court has been returned as undeliverable. And Plaintiff's own objections to the FCR reflect that he has received and reviewed the summary judgment motion and evidence filed in support of that motion. See Dkt. No. 56 at 2 ("I reviewed Defendant's summary judgement, documents and affidavits filed [in] your Court[.] I determined that Defendant intentionally omitted some facts and mislead you and the Court in order for [the] Magistrate Judge to end up issuing [the FCR] against my genuine case to the Federal Court.").

The Court therefore **DENIES** the untimely motion for extension of time to respond. See Dkt. No. 55.

Furthermore, the Court has reviewed *de novo* those portions of the FCR to which objection was made and has reviewed the remainder of the FCR for plain error. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge [Dkt. No. 54].

SO ORDERED.

DATE: AUGUST 29, 2017



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE